

EXHIBIT 187

REDACTED

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1 IN THE UNITED STATES COURT
2 NORTHERN DISTRICT OF OHIO
3 EASTERN DIVISION

4
5 ~ ~ ~ ~ ~
6 IN RE: NATIONAL PRESCRIPTION MDL NO. 2804
7 OPIATE LITIGATION

8 Case no.
9 17-mdl-284
10 Judge Dan Polster

11
12 This document relates to:

13 The County of Summit, Ohio, et al.,
14 v.

15 Purdue Pharma L.P., et al.,
16 Case No. 1:18-OP-45090 (N.D. Ohio)

17 ~ ~ ~ ~ ~
18 Continued deposition of
19 PATRICK LEONARD, VOLUME II

20 PORTIONS OF THE TRANSCRIPT ARE DESIGNATED

21 CONFIDENTIAL

22 March 27, 2019

23 11:03 a.m.

24 Taken at:

25 Ulmer & Berne

1660 W. Second Street

Cleveland, Ohio

Wendy L. Klauss, RPR

1 actually, a search warrant affidavit, does this
2 appear to be a document that you recall seeing
3 before today?

4 A. Yes, it is.

5 Q. And does this email and search
6 warrant and the evidence relate to the
7 investigation of Dr. Harper?

8 A. It does.

9 Q. And do you understand that this
10 warrant or this affidavit was in support of a
11 state search warrant?

12 A. It was, but to be specific, this is
13 not an affidavit for the search warrant. This
14 was a rough draft by Agent Tom Miksch that was
15 sent to me. This is not what was typed by me
16 and given to a judge as an affidavit. Part of
17 this information is in there, but this is not
18 the actual affidavit that was turned in.

19 Q. Right. Understood. That makes
20 perfect sense. And actually, if you wouldn't
21 mind, I want to replace the version that's
22 going to be in the record with a clean copy. I
23 apologize for giving you my version.

24 MR. LEDLIE: And, counsel, to be
25 clear, the identity of the individuals will be

1 redacted in this or not?

2 MR. MOYLAN: Yes. I think that's
3 fair.

4 Q. And just on the draft search
5 warrant affidavit, I would like to direct your
6 attention to the third paragraph from the
7 bottom that begins, "Statement to affiant by
8 agent Thomas Miksch"; do you see the
9 paragraph --

10 A. Yes, sir.

11 Q. -- that I'm referring to.

12 And do you see in that first
13 sentence that I was reading from, a statement
14 that, "On January 4, 2011, Miksch personally
15 spoke with -REDACTED-, a licensed pharmacist
16 in the State of Ohio, regarding Dr. Adolph
17 Harper MD, a prescriber in Akron, Ohio"; do you
18 see that?

19 MR. LEDLIE: Counsel, I requested
20 and now move to strike that. If you could
21 reask the question leaving out the identity of
22 the pharmacist, her name.

23 MR. MOYLAN: That's fine. I
24 apologize. Let me -- we will strike that or
25 remove it from the deposition record, as we

1 can.

2 Q. But my question to you is: Is this
3 consistent with your understanding of the
4 investigation with Agent Miksch regarding a
5 pharmacist by this name who came forward on or
6 around January 4, 2011?

7 MR. BENNETT: Objection. Beyond
8 the scope of his authorization. To the extent
9 that are asking about his activities or his
10 knowledge of the investigation, he can answer
11 whether or not he is aware of the named
12 pharmacist providing information, providing a
13 tip.

14 A. I'm aware that -REDACTED- is a
15 pharmacist and -REDACTED- did provide a tip.

16 MR. LEDLIE: Let's just redact it.
17 A pharmacist.

18 A. I'm sorry. A pharmacist.

19 Q. Without referring to the name, try
20 to remember that caveat, but without referring
21 to -REDACTED- name again, do you know where this
22 individual pharmacist worked?

23 A. I do.

24 Q. And where was that?

25 A. -REDACTED- worked at the Rite Aid Pharmacy

1 on Kenmore Boulevard in Akron.

2 Q. Thank you. If I could direct your
3 attention to the next page, in the middle of
4 that page is a long paragraph that indicates
5 that on March 15, 2011, Agent Miksch met with
6 another individual, who is indicated as being a
7 licensed pharmacist in the State of Ohio,
8 regarding information about Dr. Harper; do you
9 see that?

10 A. I do.

11 Q. And can you verify that this named
12 individual is also a licensed pharmacist who
13 came forward as part of the Harper
14 investigation?

15 A. Yes, I can.

16 Q. And do you know where this
17 individual worked?

18 A. I do.

19 Q. And where was that?

20 A. [REDACTED] on [REDACTED]
21 [REDACTED] in Akron.

22 Q. Do you -- strike that. That's
23 enough for that.

24 - - - - -

25 (Thereupon, Deposition Exhibit 20,

1 both from Walgreens, [REDACTED],
2 [REDACTED], on those dates.

3 Q. Okay. And can you also validate
4 that a complaint was received from Giant Eagle,
5 the next item on that chart, on or around March
6 21, 2011?

7 A. Yes, that appears to be the case as
8 well.

9 Q. Okay.

10 - - - - -
11 (Thereupon, Deposition Exhibit 21,
12 License Look Up, Adolph Harper, was
13 marked for purposes of
14 identification.)

15 - - - - -
16 Q. This document I can represent I
17 obtained online from the Ohio licensing portal
18 available publicly, and this appears to refer
19 to the voluntary surrender of Dr. Harper's
20 investigation.

21 Without revealing anything that you
22 may have learned as a TDS task force officer,
23 is this consistent with your understanding of
24 the public information about the status of Dr.
25 Harper's license?

1 A. Yes.

2 Q. Is it also consistent with the
3 timeframe that you are aware from public
4 sources of the voluntary surrender of his
5 license?

6 A. Yes.

7 - - - - -
8 (Thereupon, Deposition Exhibit 22,
9 Press Release From U.S. Attorney's
10 Office For the Northern District of
11 Ohio From February 1, 2015, was
12 marked for purposes of
13 identification.)

14 - - - - -
15 Q. I hand you what has been marked as
16 Exhibit 22. This is a press release from the
17 U.S. Attorney's Office for the Northern
18 District of Ohio from February 1, 2015.

19 As you had stated earlier, the
20 press release states that Dr. Harper was
21 sentenced to ten years in prison for illegally
22 prescribing hundreds of thousands of doses of
23 painkillers and other pills to customers for no
24 legitimate medical purpose, even after at least
25 eight customers died from overdose deaths,